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STAFF NOTES:

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Chile: Status Report on the Prisoner Release Program

In his September 11 speech marking the armed forces' first year in power, junta President Pinochet announced what was billed as a major prisoner release program. Freedom has been slow in coming for the vast majority of prisoners, but the program is still alive. A brief look at the key issues involved follows:

WHO QUALIFIES FOR RELEASE?

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This question has given rise to considerable speculation and, some confusion. Pinochet referred specifically to "those arrested under the state of siege." The government since has interpreted his words more narrowly. On October 4, Interior Minister Benavides declared that 1,134 persons were being detained under state-of-siege provisions as of September 11. He said 386 already has been freed, and of the remainder, all except those against whom there were "serious" charges soon would be released.

Pinochet had said that the release program might "be extended in certain cases to people already sentenced," but Benavides carefully distinguished between the "detainees" against whom no charges had yet been brought, and "those persons who have been placed at the disposition of military or regular tribunals." Benavides' definition of detainees excluded the estimated 4,000 prisoners already tried and sentenced or charged and awaiting trial. This larger group apparently will not benefit from the initial stage of the release program, but there are indications that many in the group eventually will be freed, perhaps in conjunction with a program of pardons and a limited amnesty.

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WILL THE FORMER PRISONERS HAVE TO LEAVE THE COUNTRY?

In announcing the release program, Pinochet implied that only persons who agreed to leave Chile would be freed. It appears, however, that most of those now being released are, in fact, being allowed to remain in the country. The first stage essentially is a speeding up of the normal investigative process that results in the release or charging of each detainee. Since those being released have not been charged with serious offenses, there is in most cases no reason for exile. Allende regime officials--such as already released and expelled former ambassador to the US Letelier--probably will be exceptions.

When the government begins releasing persons charged with "serious" offenses or those already tried and convicted, however, it is likely to require many to leave. A disinclination to receive more Chilean refugees in Europe and Latin America, could impede the release of those individuals the government will not allow to roam free in Chile.

THE CHALLENGE TO CUBA AND THE SOVIET UNION

Pinochet coupled his announcement with a declaration that the military government had a "moral duty" before implementing its program to "demand that the USSR and Cuba... offer the right to emigrate... to an equal number of arrested persons or convicted prisoners." Government spokesmen quickly rejected use of the term prisoner "exchange" however, and it soon became clear that while the government hoped to reap a propaganda harvest from the challenge, positive Soviet and Cuban responses would not be preconditions for the release of Chilean prisoners.

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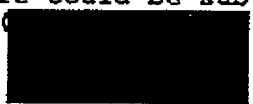
Early this month the government promised that all then-current "detainees" would be freed or charged by early November. Of course, it should be noted that individuals continue to be arrested and there is unlikely to be a given point in time when there are no "detainees" whatever.

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Freedom for those facing trial or already tried may be linked to continuing Chilean attempts to get maximum propaganda mileage out of the challenge.

THE OUTLOOK

Aside from the many "detainees" who would have been freed eventually anyway, the prisoner release program remains more a promise than a reality. If the first stage winds up next month as scheduled, and if the government by then determines that it has milked the challenge for all it is worth, the program may get underway in earnest. There could be substantial progress by Christmas.



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